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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3743

In re

Patent Application of

Anthony J. DeGregoria, et al.

Application No. 09/812,972

Confirmation No.: 2776

Filed: March 19, 2001

Examiner: Atkinson, Christopher Mark

"INTEGRATED HEAT RECOVERY
VENTILATOR HEPA FILTER USING A
HEPA FILTER MATERIAL REGENERATIVE
HEAT EXCHANGER"

I, Sally Sorensen, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Sally Sorensen
Signature

December 11, 2003
Date of Signature

**TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION
OVER PRIOR PATENTS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


Elastek, Inc., located at 842 Woodrow Street, Madison, WI 53711 (hereinafter "Assignee"), by its undersigned attorney of record, represents that it is the owner of the entire interest in the above-identified application (hereinafter "said Application") by virtue of an assignment recorded June 13, 2000, at Reel 010891, Frames 0037. Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on said Application, beyond the expiration date of the full statutory term of U.S. Patent No. 6,257,317 and U.S. Patent No. 6,289,974 (hereinafter "said U.S. Patents"). Assignee hereby agrees that any patent granted on said Application shall be enforceable only for and during such period that the legal title of the patent granted on said Application should be the same as the legal title to said U.S. Patents. This agreement shall run with any patent

granted on said Application and be binding upon the grantee, its successors or assigns. In making the above disclaimer, Assignee does not disclaim any terminal part of the patent granted on said Application prior to the expiration date of the full statutory term of said U.S. Patents, in the event that said U.S. Patents later expire for failure to pay maintenance fees, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, have all claims canceled by reexamination certificate, are reissued, or are otherwise terminated prior to expiration of their statutory term.

The undersigned is empowered to act on behalf of Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 12/11/03

By 
Jeffrey D. Peterson
Reg. No. 49,038
Attorney of Record

Attorney Docket No.: 25207/9013

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cc: Docketing
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